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C O N F I D E N T I A L SECTION 01 OF 02 TEL AVIV 001336

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TAGS: [PREL](#) [PGOV](#) [KWBG](#) [IS](#) [ISRAELI](#) [PALESTINIAN](#) [AFFAIRS](#) [SETTLEMENTS](#)

SUBJECT: UPDATE ON CASES INVOLVING SEPARATION BARRIER IN  
MA'ALE ADUMIM AND A-RAM

Classified By: Deputy Chief of Mission Gene A. Cretz for reasons 1.4 (b)  
) and (d)

This cable has been cleared by Consulate General Jerusalem.

1. (C) Summary: Col. (res.) Shaul Arieli, consultant for the Economic Cooperation Foundation (ECF), member of the Council for Peace and Security, and consultant to the High Court on the separation barrier, told econoff on March 29 that he is proposing changes to the route of the barrier that could reduce the size of the Ma'ale Adumim bloc by 58 percent. His suggestions leave out the new and old Qedar settlements in the southern section of the bloc, and Allon, Almon, Kfar Adumim, and Nofei Prat settlements in the northern section of the bloc. He has also presented changes to the High Court to cut off the "finger" of A-Ram. This would open up the A-Ram and Bir Nabala enclaves, and leave the Atarot Industrial Area and the Jerusalem airport on the Palestinian side of the barrier. Arieli is helping the Association for Civil Rights in Israel prepare an opinion against the secondary barrier planned for Rt. 317 in the south Hebron hills. End summary.

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Ma'ale Adumim Bloc  
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2. (C) Col. (res.) Shaul Arieli, consultant for the Economic Cooperation Foundation (ECF) and member of the Council for Peace and Security, told econoff on March 29 that he presented his proposal to amend the separation barrier around Ma'ale Adumim to the High Court on Monday, March 27. (Note: Arieli is a consultant to the High Court on the route of the separation barrier, and the Court has taken his advice in the past, most notably in the Bayt Surik case where the barrier was torn down and rerouted after hearing his proposals. End note.) The hearing focused exclusively on the southern portion of the barrier around Ma'ale Adumim, and Arieli said that he believes that the High Court can accept his recommendations. His proposal shortens the barrier from 11 kilometers to 6.5 kilometers, and leaves out almost 9 square kilometers of land from the southern section of the Ma'ale Adumim bloc. His recommended route excludes 128 families from the Jahhalin Bedouin tribe, as well as the "new" and "old" Qedar settlements. (Note: The "new" Qedar settlement is the largest, and closest to the bloc. End note.)

3. (C) Arieli commented that Col. Danny Tirza, the barrier's architect, defended the current route of the barrier in this section in court by saying that the GOI wants to take in the Qedar settlements. Arieli said that he argued that new Qedar is currently connected to Ma'ale Adumim by a settler-only road, so he suggested that this road be protected with fencing for settlers from new Qedar to enter the bloc if need be. He resisted including Qedar in the bloc, however, because the settlement actually belongs to the Gush Etzion municipality, not the Ma'ale Adumim municipality. He mentioned to econoff during the meeting that he knows that the GOI is trying to change the municipal status of Qedar to try to annex the land.

4. (C) Arieli did not go into detail on his proposal for the northern section of the Ma'ale Adumim bloc, but said that he would be discussing it in court soon. He showed econoff maps of this proposal, and noted that he is leaving the settlements of Allon, Almon, Kfar Adumim, and Nofei Prat out of the Ma'ale Adumim bloc. He explained that if the High Court accepts his suggestions for the northern and southern sections of the route of the barrier, the entire Ma'ale Adumim bloc will be 58 percent smaller than that proposed by the Ministry of Defense. (Note: Econoff obtained copies of the maps and will electronically forward them to NEA/IPA and INR. End note.)

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A-Ram  
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5. (C) In discussing the route of the barrier around a-Ram, north of Jerusalem, Arieli said that Chief Justice Aharon Barak in early March asked him and Tirza if it would be possible to cut off the "finger" that surrounds the Atarot Industrial Area and the airport, and separates A-Ram and Bir Nabala. Tirza reportedly rejected this idea because the GOI

wants to keep the airport and the industrial zone, but Barak asked them to study the possibility anyway. Arieli acknowledged that it would be difficult to cut off the finger because it is in the municipal boundaries of Jerusalem, and therefore "in Israel," but he presented his proposal to the High Court late last month regardless, and showed econoff a map with his suggestions. (Note: Econoff will electronically forward this map as well. End note.) Arieli also provided a written translation of his explanation to the court in which he makes the following points:

-- a "road defense" segment would need to be added between the Atarot roadblock and the Qalandiya crossing, most if which already exists;

-- a checkpoint would need to be added between Beit Hanina and A-Ram for school children, teachers, service providers, and others who are residents of the Beit Hanina and Shuafat neighborhoods located within the Jerusalem boundary;

-- a change in the route of the barrier would facilitate the removal of the wall between the Qalandiya crossing and Beit Hanina;

-- the Bir Nabala enclave would be open to the north and the east;

-- A-Ram would be connected to its environs, and no longer be in an enclave;

-- the Atarot roadblock could be removed because access would be controlled through the Qalandiya and Beit Horon crossings in the east and west, respectively; and

-- the wall around the airport could be removed, restoring links between Palestinian villages in the area.

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Secondary Barrier on Rt. 317  
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16. (C) Arieli informed econoff that he would be attending a hearing on Monday, April 3, to discuss the secondary barrier being built along Rt. 317 from Shima to Karmel settlements in the Hebron hills. He explained that the GOI is arguing that this barrier serves a security purpose by preventing potential terrorists from infiltrating Green Line Israel to commit terror attacks, and then escaping into Yattah village, south of Hebron. Arieli argued that the security argument is invalid in this area because the land is too hilly and no one can easily escape, and jersey barriers could prevent cars from using roads while still allowing pedestrian traffic and sheep herders to get through. Moreover, he said that 70 percent of the security problems in this part of the West Bank relate to settler attacks on Palestinians, not Palestinian attacks on settlers. (Comment: Embassy cannot vouch for the figure of 70 percent, but Consulate reporting over the past years has amply shown that in Hebron, settlers are the perpetrators of most violent incidents. End comment.) Arieli reported that he is helping the Association for Civil Rights in Israel (ACRI) prepare an opinion on the barrier, and they will try to show that the GOI is trying to cut the livelihood of Palestinians who live south of Rt. 317. He explained that this barrier would prevent sheep herders who live in the Palestinian villages of al-Tuwani and Khirbat al-Tuwamin from grazing near Yattah, so they will eventually abandon their lands and the State can take over them.

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